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EXAMINER	
RYMAN, DANIEL J	
ART UNIT	**PAPER NUMBER**
2665	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/642,108	CALDWELL ET AL.	
	Examiner	Art Unit	
	Daniel J. Ryman	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 October 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-41,45-82 and 85-123* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4-6,8-41,45-47,49-82,85-88 and 90-123* is/are rejected.

7)☒ Claim(s) *7,48,82 and 89* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Although Applicant indicates that each independent claim has been amended, no canceled subject matter, as indicated by strike-through text, or added subject matter, as indicated by underlined text, is found in the claims. Examiner will assume, for the purposes of examination, that the claims have been amended in the manner shown in the Remarks section of the Response.

2. The indicated allowability of claims 6, 11-23, 27-40, 47, 52-64, 68-81, 88, 93-105, and 108-121 is withdrawn in view of the newly discovered reference(s) to Vargo et al. (USPN 6,477,164) in view of Ketcham (USPN 6,721,334). Rejections based on the newly cited reference(s) follow.

3. Applicant's arguments with respect to claims 1, 2, 4-6,8-41, 45-47, 49-82, 85-88, and 90-121 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

4. Claim 82 is objected to because of the following informalities: in line 10, "encapsulating the data stream" should be "encapsulating the payload packet" (cf. claim 1). Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 19-23, 60-64, and 101-105 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claims 19, 60, and 101 limit the idle pattern to an unknown idle pattern. However, claims 11, 52, and 93, which claims 19, 60, and 101 depend upon, respectively, require that the idle pattern be detected. In order to detect something, the detector must know the thing being detected *a priori*. Simply, a detector has to know what it is attempting to detect. Since Examiner is unsure of the intended scope of the claims, Examiner will not further analyze these claims with respect to the prior art.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 1, 4-6, 8-10, 24-29, 41, 45-47, 49-51, 65-70, 82, 85-88, 90-92, 106-110, 122, and 123 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vargo et al. (USPN 6,477,164) in view of Ketcham (USPN 6,721,334).

10. Regarding claims 1, 26, 41, 67, and 82, Vargo discloses a method and system for extending a data service of a legacy network through a broadband packet network (ref. 132), the method comprising the steps of and the system comprising means for: a) at an ingress gateway (ref. 114), accumulating a payload packet (ref. 140: voice packet) comprising a predetermined number of successive bytes of a data stream respecting the data service independently of a

communications protocol of the data stream ("divides the encoded voice data into a plurality of voice packets"), the data stream being a legacy data stream originating in the legacy network and received by the ingress gateway through the legacy network (col. 4, lines 6-9; col. 4, lines 19-21; and col. 4, line 65-col. 5, line 5); b) encapsulating the payload packet within a container (ref. 142: sorted gateway packet) (col. 4, lines 21-24 and col. 5, lines 13-16); d) forwarding the container through the broadband packet network (col. 4, lines 20-24); e) at the egress gateway, receiving sequential containers of the broadband packet network (col. 4, lines 38-44); and g) reconstructing the data stream using the respective containers (col. 4, lines 38-44).

Vargo does not expressly disclose c) encapsulating the container within a protocol data unit (PDU) of the broadband packet network. Although Vargo implies that the sorted gateway packet is encapsulated with address information for transmission to the originating transmux ("encapsulated in a PDU"), this is never expressly disclosed (col. 4, lines 6-57). Vargo also does not expressly disclose d) forwarding the PDU through the broadband packet network to an egress gateway since Vargo discloses that the gateway packet is broken apart en route to the egress gateway by transmuxes (col. 4, lines 6-57). Finally, Vargo does not disclose reversing this process by e) at the egress gateway, receiving sequential PDUs of the broadband packet network from the ingress gateway; f) extracting a respective container from each received PDU; and g) reconstructing the data stream using the respective containers. Ketcham teaches, in a packet communication system, c) encapsulating the container (Fig. 7: HDLC packet) within a protocol data unit (PDU) of the broadband packet network (Fig. 7: LLC packet) (col. 2, lines 46-67) where it is implied that this is done such that the packet will be correctly forwarded to the next hop in the link; d) forwarding the PDU through the broadband packet network to an egress

gateway (col. 8, lines 5-21), where Ketcham discloses that the PDU can be forwarded to the egress gateway, as a whole, or broken apart en route, such that the choosing one over the other is a design choice; e) at the egress gateway, receiving sequential PDUs of the broadband packet network from the ingress gateway (col. 8, lines 5-21); f) extracting a respective container from each received PDU (col. 8, lines 5-21); and g) reconstructing the data stream using the respective containers (col. 8, lines 5-21). Ketcham does this as a way to improve the efficiency of packet-based networks (col. 1, lines 8-10). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to encapsulate the container within a protocol data unit (PDU) of the broadband packet network; to forward the PDU through the broadband packet network to an egress gateway; at the egress gateway, to receive sequential PDUs of the broadband packet network from the ingress gateway; f) to extract a respective container from each received PDU; and to reconstruct the data stream using the respective containers in order to improve the efficiency of packet-based networks.

11. Regarding claims 85, 122, and 123, Vargo in view of Ketcham discloses that the broadband packet network is based on any one or snore of the UDP/IP, TCP/IP, IP-MPLS, ATM, Ethernet and DOCSIS protocols, and the data stream is based on any other communications protocol (Vargo: col. 2, lines 51-53 and Ketcham: col. 2, lines 51-67).

12. Regarding claims 4, 45, and 86, Vargo in view of Ketcham suggests that the communications protocol of the data stream is known (Vargo: col. 4, lines 6-9 and Ketcham: col. 4, lines 43-44) where Vargo discloses that the gateway formats the data stream and Ketcham discloses that the gateway will perform protocol conversions on the data stream such that the protocols would have to be known.

13. Regarding claims 5, 46, and 87, Vargo in view of Ketcham suggests that the predetermined number of bytes of the data stream forming each payload packet is a function of the format of the data stream (Vargo: col. 5, lines 3-5) where "predetermined amount of voice data" suggests that the amount of data in each packet is determined by the protocol of the packet.

14. Regarding claims 6, 47, and 88, Vargo in view of Ketcham suggests that the data stream is a circuit-switched data stream comprising pulse code modulated PCM signals (Vargo: col. 2, lines 11-29) where G.729 is PCM, and the number of accumulated bytes forming each payload packet is determined by a number of channels and number of multi-frames of the data stream. Here Vargo and Ketcham disclose that the size of the accumulated packet will depend upon the amount of information arriving in a given time (Vargo: col. 5, lines 13-21 and Ketcham: col. 7, lines 36-42). In addition, Vargo discloses that smaller packets have shorter delays since they do not have to wait for data to accumulate before being sent; however, longer packets are more efficient (Vargo: col. 1, line 56-col. 2, line 11). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to determine the number of accumulated bytes forming each payload packet by a number of channels and number of multi-frames of the data stream in order to have longer packets when there is large amounts of data arriving in a given amount of time (large number of channels and multi-frames) such that the packets are more efficient, but having smaller packets when there is small amounts of data arriving in a given amount of time in order to permit the packets to be timely transmitted.

15. Regarding claims 8, 49, and 90, Vargo in view of Ketcham suggest that the data stream is a packet data stream comprising sequential PDU's of a packet network protocol. Here, Vargo discloses the use of sequence numbers (Vargo: Fig. 3) where sequence numbers are a well-

known device which aid in the reconstruction of a data stream. Vargo and Ketcham disclose having the destination reconstruct the data stream (Vargo: col. 4, lines 38-44 and Ketcham: col. 8, lines 5-21). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention that the data stream is a packet data stream comprising sequential PDU's of a packet network protocol since the use of sequence numbers helps a receiver to reconstruct a data stream.

16. Regarding claims 9, 50, and 91, Vargo in view of Ketcham does not expressly disclose that the number of bytes forming each payload packet is an integer multiple of a number of bytes forming each PDU of the packet network protocol. However, Vargo in view of Ketcham does disclose that the number of bytes forming each payload packet is related to the number of bytes forming each PDU since the PDU is of limited size (Vargo: col. 5, lines 13-14 and Ketcham: col. 2, lines 61-67). It is generally considered to be within the ordinary skill in the art to adjust, vary, select, or optimize the numerical parameters or values of any system absent a showing of criticality in a particular recited value. The burden of showing criticality is on applicant. In re Mason, 87 F.2d 370, 32 USPQ 242 (CCPA 1937); Marconi Wireless Telegraph Co. v. U.S., 320 U.S. 1, 57 USPQ 471 (1943); In re Schneider, 148 F.2d 108, 65 USPQ 129 (CCPA 1945); In re Aller, 220 F.2d 454, 105 USPQ 233 (CCPA 1055); In re Saether, 492 F.2d 849, 181 USPQ 36 (CCPA 1974); In re Antonie, 559 F.2d 618, 195 USPQ 6 (CCPA 1977); In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980). Since Vargo in view of Ketcham discloses that the number of bytes forming each payload packet is related to the number of bytes forming each PDU of the packet network protocol, it would have been obvious to one of ordinary skill in the art at the time

of the invention to have any relation, including an integer multiple, absent a showing of criticality.

17. Regarding claims 10, 51, and 92, Vargo in view of Ketcham suggests that the communications protocol of the data stream is unknown (Ketcham: col. 1, lines 33-48) where the underlying protocol of information is immaterial as long as the destination is known to the transmitting source.

18. Regarding claims 24, 65, and 106, Vargo in view of Ketcham suggests inserting a sequence number into each successive container. Here, Vargo discloses the use of sequence numbers (Vargo: Fig. 3) where sequence numbers are a well-known device which aid in the reconstruction of a data stream. Vargo and Ketcham disclose having the destination reconstruct the data stream (Vargo: col. 4, lines 38-44 and Ketcham: col. 8, lines 5-21). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to insert a sequence number into each successive container since the use of sequence numbers helps a receiver to reconstruct a data stream.

19. Regarding claims 25, 66, and 107, Vargo in view of Ketcham does not expressly disclose that at least one sequence number is a reserved sequence number used to indicate a start of the data stream; however, Examiner takes official notice that indicating the start of a data stream is well known in the art as a way to signal to the receiver that useful information is forthcoming. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have at least one sequence number be a reserved sequence number used to indicate a start of the data stream in order to signal to the receiver that useful information is forthcoming.

20. Regarding claims 27, 68, and 108, Vargo in view of Ketcham discloses that the step of reconstructing the data stream comprises steps of: b) extracting a respective payload packet from each container (Vargo: col. 4, lines 38-57 and Ketcham: col. 8, lines 11-22); and c) appending each extracted payload packet to a payload packet of a previous container to reconstruct the data stream (Vargo: col. 4, lines 38-57 and Ketcham: col. 8, lines 11-22).

Vargo in view of Ketcham does not expressly disclose a) buffering each container in a jitter buffer; however, Vargo in view of Ketcham does disclose jitter is a problem in packet networks transmitting voice (Vargo: col. 2, lines 31-34). Examiner takes official notice that jitter buffers are a well-known mechanism to correct for jitter. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to buffer each container in a jitter buffer in order to correct the jitter of the packets.

21. Regarding claims 28, 69, and 109, Vargo in view of Ketcham suggests sorting the buffered containers based on a respective sequence number of each container (Vargo: col. 4, line 67-col. 5, line 2 and col. 5, lines 54-60).

22. Regarding claims 29, 70, and 110, Vargo in view of Ketcham suggests monitoring the respective sequence numbers of each buffered container to detect a missing container (Vargo: col. 4, line 67-col. 5, line 2 and col. 5, lines 54-60).

23. Claims 11-18, 34-40, 52-59, 75-81, 93-100, and 115-121 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vargo et al. (USPN 6,477,164) in view of Ketcham (USPN 6,721,334) as applied to claims 1, 26, 41, and 82 above, and further in view of Naudus (USPN 6,259,691).

24. Regarding claims 11, 52, and 93, Vargo in view of Ketcham does not expressly disclose that the step of accumulating a payload packet comprises steps of: a) detecting an idle pattern; and b) when an idle pattern is detected, discarding bytes of the data stream corresponding to the detected idle pattern. Naudus teaches, in a system that converts between circuit and packet switched communication, that voice data has silence descriptors (col. 18, lines 2-5) which may be deleted (col. 18, lines 25-28) where it is implicit that this would conserve bandwidth. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to a) detect an idle pattern (SID); and b) when an idle pattern is detected, to discard bytes of the data stream corresponding to the detected idle pattern in order to conserve bandwidth.

25. Regarding claims 12, 53, and 94, Vargo in view of Ketcham in further view of Naudus discloses that the idle pattern in known (Naudus: col. 18, lines 2-5).

26. Regarding claims 13, 54, and 95, Vargo in view of Ketcham in further view of Naudus discloses that the idle pattern is embedded within the data stream, and the step of detecting the idle pattern comprises a step of monitoring successively received bytes of the data stream to detect the idle pattern (Naudus: col. 18, lines 1-13).

27. Regarding claims 14, 55, and 96, Vargo in view of Ketcham in further view of Naudus suggests that idle pattern is indicative of an idle channel within the data stream, and the step of discarding bytes of the data stream comprises a step of discarding bytes within the indicated idle channel of the data stream (Naudus: col. 18, lines 1-13) where the silence could come from an idle channel.

28. Regarding claims 15, 56, and 97, Vargo in view of Ketcham in further view of Naudus discloses that the idle pattern is a stimulus external to the data stream (Naudus: col. 18, lines 1-13) where the SID is inserted into the data stream.

29. Regarding claims 16, 57, and 98, Vargo in view of Ketcham in further view of Naudus discloses a step of forwarding an idle notification to the egress gateway, the idle notification comprising information identifying detected idle patterns and corresponding idle channels (Naudus: col. 18, lines 10-15) where the marker bit signifies that there was a silence interval on the given channel.

30. Regarding claims 17, 58, and 99, Vargo in view of Ketcham in further view of Naudus discloses that the notification is forwarded within the container (Naudus: col. 18, lines 10-15) where the notification, as part of the RTP data header, is transmitted as part of the data stream.

31. Regarding claims 18, 59, and 100, Vargo in view of Ketcham in further view of Naudus does not expressly disclose that the notification is forwarded within a notification message independently of the container. However, Examiner takes official notice that it is well known to send signaling independently of the main signal, where sending signaling within or ancillary to a signal is a design choice. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to forward the notification within a notification message independently of the container since ancillary signaling is well known in the art.

32. Regarding claims 34, 75, and 115, Vargo in view of Ketcham does not expressly disclose that the step of reconstructing the data stream further comprises a step of receiving an idle notification from the ingress gateway. Naudus teaches, in a system that converts between circuit and packet switched communication, using silence descriptors to indicate that a data stream is

idle (col. 18, lines 2-5 and col. 18, lines 25-28) where it is implicit that this conserves bandwidth. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to receive an idle notification from the ingress gateway in order to indicate that the data stream needs to have background noise inserted.

33. Regarding claims 35, 76, and 116, Vargo in view of Ketcham in further view of Naudus discloses that the idle notification comprises information identifying one or more of an idle indication and a corresponding idle channel of the data stream received by the ingress gateway (Naudus: col. 18, lines 2-5), and the step of reconstructing the data stream further comprises a step of inserting null data (silence) into the corresponding idle channel of the reconstructed data streams following receipt of the idle indication (Naudus: col. 18, lines 2-5).

34. Regarding claims 36, 77, and 117, Vargo in view of Ketcham in further view of Naudus discloses that the null data includes the idle indication (Naudus: col. 18, lines 2-5).

35. Regarding claims 37, 78, and 118, Vargo in view of Ketcham in further view of Naudus discloses that the idle notification comprises an indication of an idle condition of the data stream received by the ingress gateway (Naudus: col. 18, lines 2-5), and reconstructing the data stream comprises any one or more of duplicating a last received payload packet, and inserting a provisioned idle pattern (Naudus: col. 18, lines 2-5) where the "provisioned idle pattern" is the comfort background noise.

36. Regarding claims 38, 79, and 119, Vargo in view of Ketcham in further view of Naudus discloses that the notification is received by the egress gateway encapsulated within a container (Naudus: col. 18, lines 2-5).

37. Regarding claims 39, 80, and 120, Vargo in view of Ketcham in further view of Naudus does not expressly disclose that the notification is received by the egress gateway within a notification message independently of a container. However, Examiner takes official notice that it is well known to send signaling independently of the main signal, where sending signaling within or ancillary to a signal is a design choice. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to receive the notification within a notification message independently of the container since ancillary signaling is well known in the art.

38. Regarding claims 40, 81, and 121, Vargo in view of Ketcham in further view of Naudus suggests resuming reconstruction of the data stream based on containers extracted from received PDU's upon receipt of a container having a predetermined reserved sequence number. Naudus discloses setting a flag in the packet having data after a period of silence (Naudus: col. 18, lines 10-13). Vargo discloses the use of sequence numbers (Fig. 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to set the sequence number to a particular number in order to signal the system that the silence period is over since this does not require extra signaling bandwidth.

39. Claims 30, 31, 71, 72, 111, and 112 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vargo et al. (USPN 6,477,164) in view of Ketcham (USPN 6,721,334) as applied to claims 29, 70, and 110 above, and further in view of Lin et al. (USPN 6,606,306).

40. Regarding claims 30, 71, and 111, Vargo in view of Ketcham does not expressly disclose appending a null payload packet to a previous payload packet of the reconstructed data stream in respect of each detected missing container. Lin teaches, in a packet communication network,

inserting null packets in place of missing data packets (col. 5, lines 50-52) where it is implicit that this is done to ensure continuity in the data stream. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to append a null payload packet to a previous payload packet of the reconstructed data stream in respect of each detected missing container in order to ensure continuity in the data stream.

41. Regarding claims 31, 72, and 112, Vargo in view of Ketcham in further view of Lim suggests that the null payload packet comprises AB-bits duplicated from the previous payload packet of the reconstructed data stream. Here, Vargo in view of Ketcham in further view of Lim teaches duplicating pertinent information from previous packets (Lim: col. 5, lines 24-52). It would have been obvious to one of ordinary skill in the art at the time of the invention to duplicate the AB-bits (robbed bits) from the previous payload packet in order to ensure continuity of the AB-bits.

42. Claims 32, 33, 73, 74, 113, and 114 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vargo et al. (USPN 6,477,164) in view of Ketcham (USPN 6,721,334) as applied to claims 27, 68, and 108 above, and further in view of Ohlsson et al. (USPN 6,452,950).

43. Regarding claims 32, 73, and 113, Vargo in view of Ketcham does not expressly disclose a) monitoring an inter-packet delay period between successively received PDU's; and b) adjusting a length of the jitter buffer based on the inter-packet delay. Ohlsson teaches, in a packet communication system, a) monitoring an inter-packet delay period between successively received PDU's (col. 2, lines 36-45); and b) adjusting a length of the jitter buffer based on the inter-packet delay (col. 2, lines 36-45) in order to minimize delays in packet delivery (col. 1, lines 5-8). Therefore, it would have been obvious to one of ordinary skill in the art at the time of

the invention to monitor an inter-packet delay period between successively received PDU's and to adjust a length of the jitter buffer based on the inter-packet delay in order to minimize delays in packet delivery.

44. Regarding claims 33, 74, and 114, Vargo in view of Ketcham in further view of Ohlsson discloses that the length of the jitter buffer is adjusted during an idle period of the data stream (Ohlsson: col. 2, lines 59-62).

Allowable Subject Matter

45. Claims 7, 48, and 89 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art does not disclose or fairly suggest determining the number of accumulated bytes according to the given equation.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Ryman whose telephone number is (571)272-3152. The examiner can normally be reached on Mon.-Fri. 7:00-4:30 with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571)272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel J. Ryman
Examiner
Art Unit 2665

DJR

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